

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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ALLEN PAYETTE,

Plaintiff,

v.

DR. ROBERT HOBDAY and EVELYN KILLIAN,

Defendants.

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ORDER

14-cv-515-jdp

Pro se plaintiff Allen Payette, an inmate at the New Lisbon Correctional Institution, is proceeding on Eighth Amendment deliberate indifference and state law medical malpractice claims that defendants Robert Hobday (the prison dentist) and Evelyn Killian (a dental assistant) forced him to undergo a surgical dental procedure with an anesthetic to which he was allergic, which caused him heart-related problems. In a May 10, 2016, order, I granted plaintiff's motion for the court's assistance in recruiting counsel to represent him and stayed the proceedings. Dkt. 65.

The court has successfully located counsel for plaintiff. Attorneys Kathryn A. Harrell and Ashley Rouse of the law firm Boardman & Clark LLP have agreed to represent plaintiff, with the understanding that they will serve with no guarantee of compensation for their services. It is this court's intention that the scope of representation extends to proceedings in this court only.<sup>1</sup>

Plaintiff should understand that because he is now represented in this case, he may not communicate directly with the court from this point forward. He must work directly with

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<sup>1</sup> "Proceedings in this court" include all matters leading up to a final judgment on the merits, the filing of a notice of appeal, if appropriate, and ensuring that all steps are taken to transfer the record to the Court of Appeals for the Seventh Circuit.

his lawyers and must permit them to exercise their professional judgment to determine which matters are appropriate to bring to the court's attention and in what form. Plaintiff does not have the right to require counsel to raise frivolous arguments or to follow every directive he makes. He should be prepared to accept the strategic decisions made by his lawyers even if he disagrees with some of them. If plaintiff decides at some point not to work with these lawyers, he is free to end the representation, but plaintiff should be aware that it is unlikely that the court will recruit another lawyer to represent him.

ORDER

IT IS ORDERED that the clerk of court is directed to set a telephone conference before Magistrate Judge Stephen Crocker to set the schedule for the remainder of the proceedings in this lawsuit.

Entered August 15, 2016.

BY THE COURT:

/s/

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JAMES D. PETERSON  
District Judge